

Application No: 2010/108

Application Type: Full

Proposal: Provision of multi-use ball-court, including 3m high perimeter fencing and associated paths

Location: Britannia Playground, Rochdale Road, Britannia

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date : 1 June 2010

Applicant: RBC (Operations)

Determination Expiry Date:
20 April 2010

Agent:

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received

Other (please state) **Council application / Council owned site**

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. Site

Britannia Playground fronts Rochdale Road and is between the drive leading up to the complex of buildings at Britannia Community Primary School and residential properties fronting Rochdale Road/Ernest Street/William Street/Lee Street.

The front half of the site is occupied by an equipped play area, whilst the rear half slopes gently up towards the school buildings and is under grass.

The site is located within the Urban Boundary of Britannia and is owned by the Council.

2. Relevant Planning History

None.

3. Proposal

Permission is sought for the installation of a multi-use ball-court on the grassed area. The ball-court would measure 12m x 22m, with an all-weather surface, goal and basket ball hoop at each end and 3m high green perimeter fence. There would be reinforced grass paths leading to it from Rochdale Road / the equipped play area and a tarmaced path from the school drive for use by pedestrians and maintenance vehicles.

As first submitted the application proposed that the ball-court be sited 5m from the nearest house (16 Ernest Street) and run parallel to the gable of 12 William Street at a distance of 10m. The Applicant was requested to investigate whether there was scope to move the ball-court further from the houses, including its relocation to the other side of the school drive. The Applicant has advised that relocation of the ball-court to the other side of the school drive is not possible, but has submitted an amended Site Layout Plan drawing its northern end nearer to the school drive, thereby increasing the distance it will be from the gable of 12 William Street to 12+m.

4. Policy Context

National

PPS1 Sustainable Development
PPG17 Open Space, Sport & Recreation

Development Plan

Regional Spatial Strategy for the North West (2008)

DP1-9 Spatial Principles
RDF1 Spatial Priorities
L1 Health, Sport, Recreation, Cultural & Education Services Provision
EM1 Environmental Assets

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Control

Other Material Considerations

RBC Emerging Core Strategy (2009)
RBC Bacup, Stacksteads & Britannia Housing Market Renewal Elevate Area
RBC Open Space Strategy (July 2008)
RBC Play Strategy (January 2007)

5. Consultations

Lancashire Police

No objection, but queried whether lighting would be provided.

RBC (Head of Regeneration)

No comments.

RBC (Drainage)

No objection, but recommends a condition to ensure proper drainage arrangements are made and advises that care will need to be taken to avoid harm to a culverted watercourse that runs close to the western boundary of the site.

6. Representations

To accord with the General Development Procedure Order the application has been publicised by way of site notices posted on 10/3/10 and 22 neighbours were notified by letter.

An objection has been received from the residents of 16 Ernest Street (the house nearest to the proposed ball-court), making the following points:

- The new Equipped Play Area has been a great success, it is a delight to see it getting so much use by children of the age it was intended for (up to 11).
- Of the neighbours notified of the application for the ball-court they occupy one of the two properties most directly affected by the proposal, which will attract youths up to the age of 18 from a much wider area than Britannia.
- Provision of the ball-court in this location will mean neighbours have to endure yet more anti-social behaviour, which to date has included a broken window due to an air rifle / rubbish thrown into gardens / bad language late in the evening / smoking & drinking in hidden corners adjacent to the boundary fence / urinating against the boundary fence.
- Those promoting the scheme don't live nearby and have no experience of the problems they regularly encounter and the stress they are caused.
- There is a need / scope to push the ball-court further from the houses and enhance the fencing and planting on the party-boundary, which will go some way towards addressing their concerns.
- A far superior location for a ball-court would be within the school grounds adjacent to Rochdale Road, where it would be : a) further from houses and any noise would be masked by the sound of traffic; b) allows better surveillance from the road; c) could more easily be used by the school; & d) will occupy better ground, making for cheaper construction.

- It is recognised that this alternative siting is on County Council land but, in return, the school could be given use of the grassed area now proposed for the ball-court.

7. APPLICANT'S CASE

In support of the proposal the Applicant advises that:

- The RBC Open Spaces Strategy 2007 indicated that, whilst the main towns had adequate open space provision, outlying areas (including Britannia) were under-provided for. The Open Space Strategy resolved that Britannia Playground should be provided with a fenced play area nearer the road and a fenced ball-court nearer the school.
- Recently the play area was revamped with new equipment and modern safety surfacing. It is now well-used and feedback about this facility has been very positive.
- This application seeks permission for the ball-court and has been submitted following consultation with the local community, including observation of and obtaining responses from young people residing in the local area; there was particular interest in having a properly surfaced/caged area for football.
- A smaller size ball-court is proposed to match the age range of users of the playground, although the site could accommodate one of greater size.
- The proposed facility is similar to that provided at Wallbank, in Whitworth, and has been orientated to minimise the likelihood balls going into nearby gardens, a concern expressed by residents in the consultation exercise.

At my request the Applicant was asked to clarify whether the proposed ball-court would be illuminated. It has said that other such ball-courts in the Borough are un-illuminated and it is not proposed to illuminate this one.

I also asked that the Applicant investigate whether it would be feasible to relocate the ball-court to a position within the school grounds and near to Rochdale Road, as suggested by the objector. In response the Applicant has advised that this is not an option because:

1. The land levels there are not suitable for the development, trees would have to be removed and the width of the development would mean the school loses one of its two the football pitches.
2. Also, as this is Lancashire County Council land its approval would be required and initial discussions have suggested that the School governors are not in favour of locating the ball-court here for these reasons.

I have since received from the Applicant a copy of a letter from the School Headmaster in which he states that the ball-court cannot be provided inside the school grounds as it would cause serious child-safeguarding issues for them. The School

considered the proposed siting for the ball-court ideal, but would be happy for it to stand nearer to the school drive to maximise the buffer-zone from the houses.

Accordingly, the Applicant has submitted an amended Site Layout Plan drawing the northern end of the ball-court nearer to the school drive, thereby increasing the distance it will be from residential properties and proposing greater planting bounding the gardens.

ASSESSMENT

The main considerations of this application are:

1) Principle 2) Neighbour Amenity; & 3) Visual Amenity.

Principle

The application site lies within the Urban Boundary of Britannia and a ball-court located here is well placed to meet the needs of the local community, being near to an equipped play area and the school.

To this extent the proposal accords with sustainability principles and Policy DS1 of the Local Plan and its provision addresses a particular shortfall in the play facilities in Britannia identified by the Borough-wide audit of facilities forming part of the production of Council's Open Space and Play Space Strategies. Furthermore, the improvement of play facilities has a role to play in the regeneration of Britannia as part of the initiatives to be undertaken within the Bacup, Stacksteads & Britannia Housing Market Renewal Elevate Area.

Neighbour Amenity

I am satisfied that the proposed facility will not detract to an unacceptable extent from visual amenity of any neighbours.

However, provision of the ball-court is likely to introduce a greater intensity/frequency of use to the presently grassed area near to a handful of residential properties that front Ernest Street/William Street/Lee Street, with the potential to cause some noise disturbance. I do not consider the noise level it will generate will be significantly greater during the day than at present experienced. As the facility is not being illuminated it ought not to attract activity during the late evening /night. Consequently, I do not consider it would be appropriate to seek to condition the hours at which it can be used. Should it cause undue disturbance to neighbours (by reason of its use or abuse) this is a matter which the Council can address through its ownership/management of the site.

Visual Amenity

I am satisfied that the proposed development will not detract unduly from the character and appearance of the area as now proposed. The alternative siting proposed for the ball-court by the objector would result in the loss of trees fronting Rochdale Road which I consider to contribute positively to the character and appearance of the area.

8. Summary Reason for Approval

The proposed development is considered acceptable in principle within the Urban Boundary and is not considered likely to unduly detract from visual and neighbor amenity, or highway safety. The scheme therefore accords with PPS1 / PPG17, Policies RT4 / L1 / EM1 of the Regional Spatial Strategy and Policies DS1 / DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

That planning permission be approved subject to the following conditions.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason : *Required by Section 92 of the Town and Country Planning Act 1990.*
2. The level of the ball-court hereby permitted shall not exceed that of the nearby equipped play area by more than 0.3m, unless otherwise first agreed in writing by the Local Planning Authority. The ball-court shall otherwise accord with the details contained in the Design & Access Statement and the following drawings :
Site Layout Drwg No DWG/2046b Received 11/5/10
Fence Detail Un-numbered Received 23/2/10
Reason : *For the avoidance of doubt and in the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.*
3. Prior to the commencement of development details of the surface-water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority.
Reason: *To avoid the risk of flooding, in accordance with Policy DC1 of the Rossendale District Local Plan.*
4. Notwithstanding any such detail indicated in the application submitted, no development shall take place until a scheme of landscaping/boundary treatment has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped, together with details of walls/fences/gates to be erected; and detail any changes of ground level or landform.
Reason: *In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.*
5. All hard-surfaced areas/walls/fences/gates forming part of the approved scheme of landscaping/boundary treatment shall be completed prior to first use of the ball-court, unless otherwise agreed in writing with the Local Planning Authority. All new planting, seeding or turfing comprised in the approved details

of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the ball-court. Any trees or plants in the approved scheme of landscaping which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

6. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
Name	Neil Birtles
Position	Principal Planning Officer
Service / Team	Development Control
Telephone	01706-238645
Email address	planning@rossendalebc.gov.uk